

Amendment One

A.G. Contract No.: KR93-0081TRN

Project: Master Traffic Signal Maintenance

Section: City of Phoenix

**AMENDMENT ONE
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX, ARIZONA

23627-001

THIS AGREEMENT is entered into March 23rd 2007, as **Amendment One** ("Amendment No. 1") to JPA 92-96, AG Contract No.: KR93-0081TRN, filed 06 July 1995, filed with the Secretary of State under No. 19842 (the "Agreement"), pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF PHOENIX, acting by and through its CITY MANAGER (the "City"). The State and the City are collectively referred to as the "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this Amendment No. 1 and has delegated to the undersigned the authority to execute this Amendment No. 1 on behalf of the State.

2. The City is empowered by Chapter II, Section 2.(i) of the City Charter to enter into this Amendment No. 1 and has by Resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Amendment No. 1 and has authorized the undersigned to execute this Amendment No. 1 on behalf of the City.

The Parties intend this Amendment No. 1 to amend the Agreement as follows: 1) amends I. RECITALS, paragraph 3, to add a new intersection and modify the existing list of locations in relation to the operation and maintenance of associated traffic signals and street lighting as set forth in said Agreement; 2) add II. SCOPE OF WORK, paragraphs h, i, and j, to define each party's responsibilities for additional elements associated with the design, construction, operation and maintenance; and 3) amend III. MISCELLANEOUS PROVISIONS, paragraphs 6 and 7, to provide updated contact information for the State and City; and 4) add III. Miscellaneous Provisions, paragraphs 8 and 9, which respectively address the issues of non-discrimination and non-availability of funds.

NO. 19842
Filed with the Secretary of State
Date Filed: 3-23-07
Janice K. Brewer
Secretary of State
By: [Signature]

Paragraph 3 is amended as follows:

3. For the safety and protection of the traveling public,.....at the following locations: *(Original list of locations is as provided in the original executed agreement, JPA 92-96, attached hereto and made a part hereof).* In accordance with paragraph 1 of III. MISCELLANEOUS PROVISIONS, it is agreed by the Parties that the following modifies the existing list of intersections, for the operation and maintenance of traffic signals and/or associated street lighting between the State and the City, as set forth in the Agreement:

I-10/Washington/Jefferson Streets - remove "Telco Only"
and ADD SR-143/Washington Street

THEREFORE, in consideration of the mutual agreements expressed herein, the Agreement is modified as follows:

II. SCOPE OF WORK**Paragraphs h, i, j and k are added as follows:**

h. The City or its designated agent shall be responsible for all costs associated with the design and construction, operation and maintenance of the traffic signals associated with the Light Rail Project.

i. The City or its designated agent shall apply for a permit, through the State's Phoenix District Maintenance office, to use State highway rights-of-way to accomplish the design and construction elements of the City's Light Rail project. Permits and easements granted by the State to Valley Metro Rail, Inc. (VMR) are governed by JPA 06-060, attached hereto by reference.

j. The City or its designated agent shall obtain, per established procedures of the State's Phoenix District Permit Office, a valid annual citywide Encroachment Permit for the routine/normal maintenance and emergency maintenance work provided by the City within the State's rights-of-way. Both parties shall agree that any new construction or installation shall require a separate permit as per the State's Phoenix District established procedures.

k. The State will maintain the underdeck lighting as it pertains to I-10/Washington/Jefferson Streets and SR 143/Washington Street under this Amendment.

III. MISCELLANEOUS PROVISIONS**Paragraphs 6 and 7 are amended as follows:**

6. All notices or demands upon any party to this Agreement, as amended from time to time, shall be in writing and shall be delivered in person or sent by mail addressed as follows:

For Contract Issues:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 616E
Phoenix, AZ 85007
Phone: (602) 712-7525
Fax: (602) 712-7424

City of Phoenix
Attention: Ray Dovalina
Street Transportation Department
200 W. Washington, 5th Floor
Phoenix, AZ 85003-1611
Phone: (602) 262-4057
Fax: (602) 495-2016

For Technical Issues:

Arizona Department of Transportation
Phoenix District Maintenance Office
Traffic Engineer, Mail Drop PM00
Phoenix, AZ 85009

7. In accordance with Arizona Revised Statutes § 11-952 (D), attached hereto and incorporated herein is the written determination of each party's legal counsel that the Parties are authorized under the laws of the State of Arizona to enter into this Amendment No. 1 and that this Amendment No. 1 is in proper form.

Paragraphs 8 and 9 are added as follows:

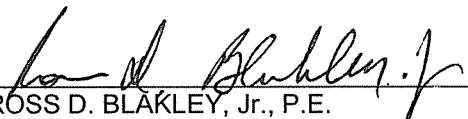
8. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The Parties to this Agreement shall comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona, and incorporated herein by reference regarding "Non-Discrimination".

9. Non-Availability of Funds: Every payment obligation of the State or the City under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State or the City at the end of the period for which the funds are available. No liability shall accrue to the State or the City in the event this provision is exercised, and the State and the City shall not be obligated or liable for any future payments as a result of termination under this paragraph.

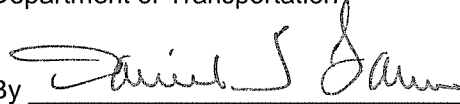
EXCEPT AS AMENDED herein, **all other** terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 the day and year first above written.


CITY OF PHOENIX, a Municipal Corporation
Frank Fairbanks, City Manager

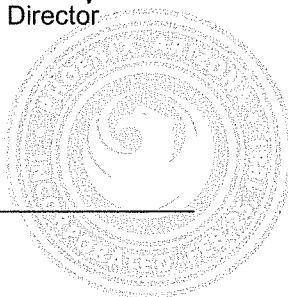
By 
ROSS D. BLAKLEY, Jr., P.E.
Acting Street Transportation Director

STATE OF ARIZONA
Department of Transportation

By 
DAN LANCE, P.E.
Deputy State Engineer, Valley Transportation

ATTEST

By 
MARIO PANIAGUA
City Clerk




2007 MAR - 5 PM 5:54
CITY CLERK DEPT.

JPA 92-096

ATTORNEY APPROVAL FORM


FOR THE CITY OF PHOENIX

I have reviewed the above referenced amended Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and THE CITY OF PHOENIX, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954, and declare this Agreement to be in proper form and within the powers and authority granted to City of Phoenix under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties to enter into said Agreement.

Dated February 28, 2007



 Acting City Attorney

**CITY OF PHOENIX
REQUEST FOR COUNCIL ACTION**

Complete this form per O.P. 1.906 and A.R. 4.11.

Refer to the City Council Agenda Process Reference Guide for Assistance

ACTION REQUESTED	Formal Action:	OR	Legal Document:
	Bid Award <input type="checkbox"/> License Application <input type="checkbox"/> Public Hearing <input type="checkbox"/> Other <input type="checkbox"/>		Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Emergency Clause? <input type="checkbox"/> (for use only w/ord. or res. requests)
IMPACTED DISTRICT(S)	DISTRICT 8	ADDITIONAL BACKUP MATERIAL SENT UNDER SEPARATE COVER? <input type="checkbox"/>	
SUBJECT	AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION - CITY OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS		
REQUESTED AGENDA DATE	12/20/2006	PREPARED BY	Name <u>Briana Leon</u> Department <u>Street Transportation</u> Phone <u>534-6999</u>
APPROVALS	Division Head:	J. Donald Herp, P.E.	If prepared for another department:
	Department Head:	Ross D. Blakley, Jr., P.E.	Department Name:
			Approval:
BID AWARD INFORMATION	Bid Surety Required? <input type="checkbox"/>	Performance Surety Required <input type="checkbox"/>	
	Submitted by Low Bidder? <input type="checkbox"/>	Amount? _____	
	Contract Required? <input type="checkbox"/>	Requisition No. _____	
CONTRACT INFORMATION	Contract Amendment? <input checked="" type="checkbox"/>		
	If Yes, Current Contract No. <u>23627</u> Ordinance <input type="checkbox"/> Approved by: Resolution <input type="checkbox"/> on Date: <u>3/2/1994</u> Formal Action <input type="checkbox"/>		
BUDGET INFORMATION	\$ _____	To Be Encumbered? <input type="checkbox"/>	
	Source of Funds: _____	Fiscal Year? _____	
	Fund Center(s) (SAP-FM): _____ Commitment Item(s) (SAP-FM): _____ Availability of Funds Approval <u>Gayle Webb</u>		
CITY MANAGER'S OFFICE	Approved by <u>Thomas E. Callow, P.E. 12/6/06</u>		CM Control No. <u>05</u>
CITY CLERK DEPARTMENT	Council Action Taken: <u>Adopted</u>		
	Ordinance Number: _____	RCA No. <u>54175</u>	
	Resolution Number: <u>20451</u>	Contract No. _____	
	Comments: _____	Meeting Date <u>12/20/2006</u>	
		Item No. <u>54</u>	

ITEM**DISTRICT 8****AGREEMENT WITH ARIZONA
DEPARTMENT OF
TRANSPORTATION - CITY
OPERATION AND
MAINTENANCE OF TRAFFIC
SIGNALS**

Request City Council to authorize the City Manager, or his designee, to amend an existing Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) that would transfer ADOT responsibility for traffic signal operations and maintenance at the I-10/Washington Street/Jefferson Street interchange and the SR 143/Washington Street interchange to the City.

This would be an amendment to the existing master maintenance agreement with ADOT for traffic signals and highway lighting. To facilitate the operation of the light rail system, it is advantageous for the City to operate and maintain these traffic signals.

Financial Impact

The traffic signals are being rebuilt to City standards to accommodate the light rail system. This cost is paid as part of the light rail project by Valley Metro Rail.

The cost for maintenance is relatively small and will be absorbed in the Street Transportation Department operating budget.

RESOLUTION NO. 20451

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) TO TRANSFER RESPONSIBILITY TO THE CITY OF THE TRAFFIC SIGNAL OPERATIONS AND MAINTENANCE AT THE I-10 / WASHINGTON STREET / JEFFERSON STREET INTERCHANGE AND THE SR 143 / WASHINGTON STREET INTERCHANGE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. The City Manager is authorized to amend the intergovernmental agreement with the Arizona Department of Transportation (ADOT) to transfer responsibility to the City of the traffic signal operations and maintenance at the I-10 / Washington Street / Jefferson Street interchange and the SR 143 / Washington Street interchange.

PASSED by the Council of the City of Phoenix this 20th day of December, 2006.

ATTEST:

Maria Sanchez City Clerk

APPROVED AS TO FORM:

William Beck Acting City Attorney

REVIEWED BY:

Frank Sanborn City Manager



CITY CLERK DEPT
206 DEC 19 PM 4:15

<p>TERRY GODDARD Attorney General</p>	<div data-bbox="740 79 928 268" data-label="Image"> </div> <p>OFFICE OF THE ATTORNEY GENERAL STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan.Davis@azag.gov</p>
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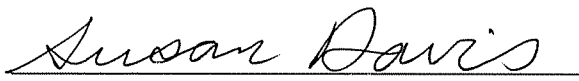
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR93-0081TRN (**JPA 92-96, Amendment One**), an Agreement between public agencies, i.e., The State of Arizona and The City of Phoenix, Arizona, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: March 21, 2007

TERRY GODDARD
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:1005142
Attachment